

Federal Acquisition Regulation

Pt. 18

must maintain a special, close relationship with the contractor and the contractor's personnel in various important areas (e.g., safety, security, cost control, site conditions).

(c) The conduct of the work is wholly or at least substantially separate from the contractor's other business, if any.

(d) The work is closely related to the agency's mission and is of a long-term or continuing nature, and there is a need (1) to ensure its continuity and (2) for special protection covering the orderly transition of personnel and work in the event of a change in contractors.

17.605 Award, renewal, and extension.

(a) Effective work performance under management and operating contracts usually involves high levels of expertise and continuity of operations and personnel. Because of program requirements and the unusual (sometimes unique) nature of the work performed under management and operating contracts, the Government is often limited in its ability to effect competition or to replace a contractor. Therefore contracting officers should take extraordinary steps before award to assure themselves that the prospective contractor's technical and managerial capacity are sufficient, that organizational conflicts of interest are adequately covered, and that the contract will grant the Government broad and continuing rights to involve itself, if necessary, in technical and managerial decisionmaking concerning performance.

(b) The contracting officer shall review each management and operating contract, following agency procedures, at appropriate intervals and at least once every 5 years. The review should determine whether meaningful improvement in performance or cost might reasonably be achieved. Any extension or renewal of an operating and management contract must be authorized at a level within the agency no lower than the level at which the original contract was authorized in accordance with 17.602(a).

(c) Replacement of an incumbent contractor is usually based largely upon expectation of meaningful improvement in performance or cost. Therefore, when reviewing contractor

performance, contracting officers should consider—

(1) The incumbent contractor's overall performance, including, specifically, technical, administrative, and cost performance;

(2) The potential impact of a change in contractors on program needs, including safety, national defense, and mobilization considerations; and

(3) Whether it is likely that qualified offerors will compete for the contract.

PART 18—EMERGENCY ACQUISITIONS

Sec.

18.000 Scope of part.

18.001 Definition.

Subpart 18.1—Available Acquisition Flexibilities

18.101 General.

18.102 Central contractor registration.

18.103 Synopses of proposed contract actions.

18.104 Unusual and compelling urgency.

18.105 Federal Supply Schedules (FSSs), multi-agency blanket purchase agreements (BPAs), and multi-agency indefinite delivery contracts.

18.106 Javits-Wagner O' Day (JWOD) specification changes.

18.107 Qualifications requirements.

18.108 Priorities and allocations.

18.109 Soliciting from a single source.

18.110 Oral requests for proposals.

18.111 Letter contracts.

18.112 Interagency acquisitions under the Economy Act.

18.113 Contracting with the Small Business Administration (The 8(a) Program).

18.114 HUBZone sole source awards.

18.115 Service-disabled Veteran-owned Small Business (SDVOSB) sole source awards.

18.116 Overtime approvals.

18.117 Use of patented technology under the North American Free Trade Agreement.

18.118 Bid guarantees.

18.119 Advance payments.

18.120 Assignment of claims.

18.121 Electronic funds transfer.

18.122 Protest to GAO.

18.123 Contractor rent-free use of Government property.

18.124 Extraordinary contractual actions.

Subpart 18.2—Emergency Acquisition Flexibilities

18.201 Contingency operation.

18.202 Defense or recovery from certain attacks.